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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,495	07/01/2003	Thomas Huber	27428/39408	3340

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EXAMINER

CRAWFORD, GENE O

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/611,495

Applicant(s)

HUBER, THOMAS

Examiner

Gene O. Crawford

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/28/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Allowable Subject Matter*

1. The indicated allowability of claims 3, 6, 7 and 10 is withdrawn in view of the newly discovered references to Meckel et al., Griffiths and van der Velden. Rejections based on the newly cited references follow.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 6, 7, 13 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Griffiths.

The roller drive unit disclosed by Griffiths includes all the claimed features and in particular includes: **(claims 1, 6, 7)** a drive roller (figure 9) including a core 130; a drive motor coupled to the drive roller which is common in the art; the covering including a plurality of covering layers including an outer covering layer 124, at least one inner covering layer 70, and at least one delimiting layer 20, 114 that is constructed and disposed between at least one of the inner covering layers and the outer covering layer that the inner and outer covering layers are firmly connected to one another; each delimiting layer defines openings through which material forming the adjacent covering layers can come into direct contact (column 5, lines 5-8); a plurality of delimiting layers

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are provided superimposed substantially equidistant from one another forming walls in the covering layers constructed so that regions of the covering layers are firmly connected to one another by the delimiting surfaces (column 3, lines 42-44 and column 5, lines 16-30); and **(claims 2, 13, 16)** the covering layers being constructed to be concentric with the outer surface.

4. Claims 1, 6-9 and 13-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Meckel et al.

The roller drive unit disclosed by Meckel et al. includes all the claimed features and in particular includes: **(claims 1, 6, 7)** a drive roller including a core and drive motor (inherent); a covering including a plurality of layers including an outer layer 4, inner layer 3, and a delimiting layer 8; each delimiting layer defining openings through which material forming the adjacent covering layers can come into direct contact (figure 1); a plurality of delimiting layers 5, 6, 7 superimposed substantially equidistant from one another forming walls in the covering layers constructed so that regions of the covering layers are firmly connected to one another by the delimiting surfaces; and **(claims 2, 13, 16)** the covering layers being constructed to be concentric with the outer surface; and **(claims 8, 9, 14,15, 17, 18)** the inner and outer layers 3, 4 being made of rubber.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 5, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meckel et al. in view of van der Velden.

With regard to claims 4, 5, 11 and 12, Meckel et al. includes all the claimed features but does not disclose the delimiting layer is made from a single ply woven fabric. However, van der Velden discloses the broad teaching of providing a roller covering having a delimiting layer that is constructed of a single ply woven fabric 4. It would have been obvious to one of ordinary skill in the art to provide the delimiting layer of Meckel et al. include a single ply woven fabric to facilitate strengthening the roller cover layers as taught by van der Velden.

7. Claims 10, 19, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffiths and/or Meckel et al.

With regard to claim 10, Griffiths and Meckel et al. discloses all the claimed features but do not disclose winding each layer during construction of the covering. However, it is notoriously well known in the art of roller covers to wind layers of a respective during a heating process to form the cover. It would have been obvious to one of ordinary skill in the art to provide the cover in either Griffiths or Meckel et al. be wound during construction such requiring the mere choice of an art recognized alternative in roller cover construction.

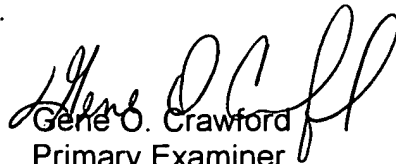
**Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are cited to show the art with respect to roller covers having delimiting layers disposed between an inner layer and outer layer: Shintaku et al. and Delhaes.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gene O. Crawford whose telephone number is 703/305-9733. The examiner can normally be reached on Monday thru Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on 703/308-1113. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gene O. Crawford  
Primary Examiner  
Art Unit 3651

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